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DEPARTMENT OF JUSTICE
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May 19, 2000

BY FIRST CLASS MAIL

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, DC 20554

Subject: Number Resource Optimization; Comments on Report and Order and Notice of
Proposed Rule Making; CC Docket 99-200 /
DOJ File No. 860-105-GP0268-99

Dear Ms. Salas:

Enclosed for filing is the original and five copies of the Oregon Public Utility Commission's Comments on the FCC's Report and Order and Notice of Proposed Rule Making in the Matter of Number Resource Optimization. An electronic copy of the Comments was filed today.

Please file-stamp one copy and return to me in the enclosed self-addressed stamped envelope. Thank you for your courtesies in this matter.

Sincerely,

Teya M. Penniman
Assistant Attorney General
Regulated Utility & Business Section

Enclosure

cc: Aaron Goldberg, FCC
International Transcription Services, Inc.
Commissioners, Oregon Public Utility Commission

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MAY 24 2000

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In the Matter of

Number Resource Optimization

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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EX PARTE OR LATE FILED

CC Docket No. 99-200

**COMMENTS OF THE OREGON PUBLIC UTILITY COMMISSION
ON THE REPORT AND ORDER
AND NOTICE OF PROPOSED RULE MAKING**

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I. INTRODUCTION AND EXECUTIVE SUMMARY

The Oregon Public Utility Commission generally supports the FCC's *Report and Order*. These Comments highlight specific provisions supported by OPUC and requests the FCC to consider the following recommendations: require forecast data reporting over a shorter period; implement thousands-block pooling at a faster rate; liberally construe stated criteria related to states' requests for delegated authority to implement number pooling; and require all carriers to meet utilization thresholds.

II. BACKGROUND

On March 8, 2000, the Oregon Public Utility Commission (OPUC or Oregon) petitioned the Federal Communications Commission (FCC) for additional delegated authority to implement certain number conservation measures, including thousands-block number pooling.¹ On March 17, 2000, the Federal Communications Commission (FCC) adopted new policies and rules designed to create national standards for numbering resource optimization.² FCC requested comments on the *Report and Order* and on April 28, 2000, granted an extension of time for filing comments.

III. COMMENTS

OPUC appreciates FCC's recognition of the integral role that state commissions play in development of numbering resource optimization policies.³ OPUC also appreciates FCC's acknowledgement that the *Report and Order* has not addressed all of the effective measures necessary to achieve full number resource optimization.⁴

A. Supporting Comments

OPUC supports the following specific aspects of the *Report and Order*:

1. Development of uniform definitions for number-resource use categories to ensure efficient use of number resources;⁵
2. Mandatory reporting by carriers of historical and forecast data;⁶
3. State authority to make data-validity determinations and to draft remedies to address identified failures;⁷
4. State authority to reduce data reporting frequency for utilization and forecast data;⁸
5. Reporting data at the 1,000-block level;⁹
6. State access to carrier utilization data;¹⁰
7. Enforceability of mandatory reporting requirements;¹¹

¹ *Petition of the Oregon Public Utility Commission for Expedited Delegation of Authority to Implement Number Conservation Measures*; NSD File No. L-97-42; CC Docket No. 96-98 (*Oregon Petition*).

² Numbering Resource Optimization, *Report and Order and Further Notice of Proposed Rule Making*; FCC 00-104, CC Docket No. 99-200 (*Report and Order*), 2000 WL 339808; *Report and Order* was issued on March 31, 2000.

³ *Report and Order* at ¶ 8.

⁴ *Id.*

⁵ *Id.* at ¶ 12.

⁶ *Id.* at ¶ 40.

⁷ *Id.* at ¶ 54.

⁸ *Id.* at ¶ 67.

⁹ *Id.* at ¶ 71.

¹⁰ *Id.* at ¶ 75.

¹¹ *Id.* at ¶ 84.

8. Verification requirements for number resource assignments;¹²
9. State authority to affirm or overturn NANPA's decision regarding number assignments;¹³
10. Rate center-based utilization reporting requirements;¹⁴
11. Use of utilization thresholds for non-LNP-capable carriers.¹⁵
12. Mandatory thousands-block number pooling for all Local Number Portability (LNP)-capable carriers;¹⁶
13. Establishment of minimum utilization threshold requirements for non-LNP-capable carriers for acquisition of additional number resources;¹⁷
14. Continued delegated authority to states to implement thousands-block number pooling on an individual basis.¹⁸
15. State authority to determine whether NXX codes have been activated and number assignment commenced;¹⁹
16. State authority to direct the Pooling Administrator to reclaim unactivated / unused 1,000 number blocks;²⁰ and
17. A 60-day window to activate or commence use of numbers after the activation deadline.²¹

B. Specific Recommendations

OPUC has the additional, specific comments regarding the *Report and Order*.

We encourage FCC to grant states authority to enforce number assignment standards through audits of number-resource use. Given rapid changes in technology and demonstrated difficulty in accurately projecting resource use, a shorter time period for forecast data might also be useful. Requiring carriers to report forecasts for both a two-year and five-year basis would provide a more accurate estimate of carriers' expected number resource needs.

OPUC believes a national policy regarding number resource optimization should meet the needs of all areas and not be limited to the 100 largest MSAs. A significant portion of the nation falls outside the area designated for immediate rollout of thousand number block pooling, yet number conservation is critical to them all. We concur with FCC's statement that delaying implementation of thousands-number block pooling until all carriers are required to be LNP-capable will needlessly prolong the current inefficiencies of the number allocation system.²² While there may be technical difficulties associated with nationwide, as opposed to staggered,

¹² *Id.* at ¶ 91.

¹³ *Id.* at ¶ 98.

¹⁴ *Id.* at ¶ 104, 105.

¹⁵ *Id.* at ¶ 115.

¹⁶ *Id.* at ¶ 125.

¹⁷ *Id.* at ¶ 141.

¹⁸ *Id.* at ¶ 169.

¹⁹ *Id.* at ¶ 237.

²⁰ *Id.*

²¹ *Id.* at 241.

²² *Id.* at ¶ 127.

implementation of number pooling, a faster rollout, such as six per quarter, appears feasible.²³ OPUC also supports the use of alternative geographic boundaries for determining rollout, for example, when a rate center is larger than the MSA.²⁴

OPUC recommends that all carriers meet utilization thresholds, regardless of whether a carrier is participating in thousands-block pooling.²⁵

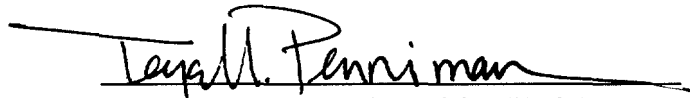
If FCC retains a staggered rollout, delegations of additional authority to states to implement thousands-block pooling should be liberally granted, regardless of a state's ability to meet the FCC's specific criteria or "special circumstances" test.²⁶

IV. CONCLUSION

Oregon Public Utility Commission reiterates its appreciation to the Federal Communication Commission for its thoughtful and thorough approach to meeting the nation's pressing number resource needs.

DATED this 19th day of May, 2000 at Salem, Oregon.

Respectfully submitted,



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²³ *Id.* at ¶ 159; *See Petition for Reconsideration of Report and Order and Comments in the Further Notice of Proposed Rule Making by the Florida Public Service Commission*, p. 6, May 10, 2000.

²⁴ *Report and Order*, n. 373.

²⁵ *Id.* at ¶ 156.

²⁶ *Id.* at ¶ 169, 170.

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 2000, I served the foregoing Oregon Public Utility Commission's Comments of the Oregon Public Utility Commission on the Report and Order and Notice of Proposed Rule Making in the Matter of Number Resource Optimization by filing an electronic copy at <http://www.fcc.gov/e-file/ecfs.html>, by hand delivery, or by depositing in the United States Post Office at Salem, Oregon, postage prepaid a full, true and correct copy thereof addressed to:

Magalie Roman Salas
Federal Communications Commission
445 12th Street SW, Suite TW-A325
Washington, D.C. 20554

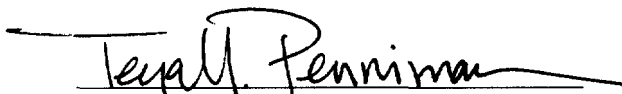
Aaron Goldberger
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DATED this 19th day of May 2000.



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